

*E3 Concl*

targeted chromosomal material is a genetic rearrangement associated with [chromosome 3 and/or] chromosome 17 in humans, said method comprising contacting said chromosomal material with a high complexity nucleic acid probe wherein at least one component of the high complexity nucleic acid probe is targeted to a paracentromeric-specific nucleic acid segment, allowing said probe to bind to said targeted chromosomal material and detecting said bound probe, wherein bound probe is indicative of the presence of target chromosomal material.

#### **REMARKS**

Entry of the foregoing and further and favorable reconsideration of the subject application pursuant to and consistent with 37 C.F.R. §1.112 is respectfully requested

By the present amendment, claims 1, 48, and 50 have been amended to delete reference to chromosome 3. No new matter has been added.

Turning now to the Official Action, claims 1 and 48-50 are rejected under 35 U.S.C. §103(a) as purportedly obvious over U.S. Patent 4,710,465 to Weissman et al., in view of Lichter et al. (*PNAS* 85:9664-9668, 1988) and either of U.S. Patent 5,487,970 to Rowley et al. or Drabkin et al. (*PNAS* 82:6980-6984, 1985). At page 2 of the Advisory Action, the Examiner notes that Applicants' amendments filed August 25, 1999 have overcome the instant rejection with respect to chromosome 17 targets, but not with respect to chromosome 3 targets. Applicants maintain and

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reiterate their arguments that the present invention is in now way obvious over the cited publications. Nevertheless, without conceding to the Examiner's arguments, but solely in an effort to expedite prosecution, claims 1, 48, and 50 have been amended to delete reference to chromosome 3 targets. In view of these amendments, withdrawal of this rejection is respectfully requested.

Further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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